

Union Calendar No. 119

103D CONGRESS
1ST SESSION

H. R. 2339

[Report No. 103-208]

To amend the Technology-Related Assistance for Individuals with Disabilities Act of 1988 to authorize appropriations for each of the fiscal years 1994 through 1998.

IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 1993

Mr. OWENS introduced the following bill; which was referred to the Committee on Education and Labor

AUGUST 2, 1993

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on June 8, 1993]

to be

A BILL

To amend the Technology-Related Assistance for Individuals with Disabilities Act of 1988 to authorize appropriations for each of the fiscal years 1994 through 1998.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) *SHORT TITLE.*—This Act may be cited as the
 3 “Technology-Related Assistance for Individuals With Dis-
 4 abilities Amendments of 1993”.

5 (b) *TABLE OF CONTENTS.*—The table of contents for
 6 this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.

TITLE I—GRANTS TO STATES

Sec. 101. Program authorized.
Sec. 102. Development grants.
Sec. 103. Extension grants.
Sec. 104. Second extension grants.
Sec. 105. Progress reports.
Sec. 106. Administrative provisions.
Sec. 107. Information and technical assistance.
Sec. 108. Funding.

TITLE II—PROGRAMS OF NATIONAL SIGNIFICANCE

Sec. 201. Programs authorized.

TITLE III—ALTERNATIVE FINANCING MECHANISMS

Sec. 301. Alternative financing mechanisms authorized.

TITLE IV—AMENDMENTS TO OTHER ACTS

Sec. 401. Individuals With Disabilities Education Act.
Sec. 402. Rehabilitation Act of 1973.
Sec. 403. Technical and conforming amendments.

TITLE V—EFFECTIVE DATE

Sec. 501. Effective date.

7 **SEC. 2. FINDINGS AND PURPOSES.**

8 (a) *FINDINGS.*—Section 2(a) of the Technology-Related
 9 Assistance for Individuals With Disabilities Act of 1988 (29
 10 U.S.C. 2201(a)) is amended to read as follows:

11 “(a) *FINDINGS.*—The Congress finds as follows:

1 “(1) *Disability is a natural part of the human*
2 *experience and in no way diminishes the right of*
3 *individuals—*

4 “(A) *to live independently;*

5 “(B) *to enjoy self-determination;*

6 “(C) *to make choices;*

7 “(D) *to contribute to society;*

8 “(E) *to pursue meaningful careers; and*

9 “(F) *to enjoy full inclusion and integration*
10 *in the economic, political, social, cultural, and*
11 *educational mainstream of American society.*

12 “(2) *During the past decade, there have been*
13 *major advances in modern technology. Technology is*
14 *now a powerful force in the lives of all residents of*
15 *the United States. Technology can provide important*
16 *tools for making the performance of tasks quicker and*
17 *easier. For some individuals with disabilities,*
18 *assistive technology is a necessity that enables them to*
19 *engage in or perform many tasks.*

20 “(3) *The provision of assistive technology devices*
21 *and services enables some individuals with*
22 *disabilities—*

23 “(A) *to have greater control over their own*
24 *lives;*

1 “(B) to participate in and contribute more
2 fully to activities in their home, school, and work
3 environments, and in their communities;

4 “(C) to interact to a greater extent with
5 nondisabled individuals; and

6 “(D) to otherwise benefit from opportunities
7 that are taken for granted by individuals who do
8 not have disabilities.

9 “(4) Substantial progress has been made in the
10 development of assistive technology devices, including
11 adaptations to existing equipment, which signifi-
12 cantly benefit individuals of all ages with disabilities.
13 Such devices have increased the involvement of indi-
14 viduals with disabilities in programs and activities
15 such as early intervention, education, rehabilitation
16 and training, employment, residential living, inde-
17 pendent living, recreation, and other aspects of daily
18 living. Dual-use technology is critical to the further
19 development of assistive technology devices.

20 “(5) Many individuals with disabilities cannot
21 access existing telecommunications and information
22 technologies and are at risk of not being able to access
23 developing technologies. The inadvertent failure of
24 Federal and State governments, hardware manufac-
25 turers, software designers, information systems man-

1 agers, and telecommunications service providers to ac-
2 count for the specific needs of individuals with dis-
3 abilities not only results in the exclusion of such indi-
4 viduals from the use of telecommunications and infor-
5 mation technologies, but also results in unnecessary
6 costs associated with the retrofitting of devices and
7 product systems.

8 “(6) The use of assistive technology devices and
9 services by individuals with disabilities increases such
10 individuals’ ability to be independent, which reduces
11 expenditures associated with early intervention, edu-
12 cation, rehabilitation, health care, transportation,
13 telecommunication services, and other services re-
14 quired by such individuals.

15 “(7) A majority of States have technology-related
16 assistance programs. In spite of the efforts made by
17 such programs to provide comprehensive, statewide
18 services, there remains a need for—

19 “(A) resources to pay for assistive tech-
20 nology devices and services;

21 “(B) trained personnel to assist individuals
22 with disabilities to use such devices and services;

23 “(C) information about the availability and
24 potential of technology for individuals with dis-
25 abilities and their family members, guardians,

1 *advocates, and authorized representatives, rep-*
2 *resentatives of public agencies and private enti-*
3 *ties that have contact with individuals with dis-*
4 *abilities (including insurers), teachers and relat-*
5 *ed services personnel, technology experts (includ-*
6 *ing engineers), employers, and other appropriate*
7 *individuals;*

8 *“(D) aggressive outreach to under-*
9 *represented populations and rural populations;*

10 *“(E) coordination among State human*
11 *services programs, and among such programs*
12 *and private entities, particularly with respect to*
13 *transitions between such programs and entities;*
14 *and*

15 *“(F) capacity of such programs to provide*
16 *the necessary technology-related assistance.*

17 *“(8) There are insufficient incentives for the*
18 *commercial pursuit of the application of technology*
19 *devices to meet the needs of individuals with disabil-*
20 *ities, because of limited markets.*

21 *“(9) At the Federal level, there is a lack of co-*
22 *ordination among agencies that provide or pay for*
23 *the provision of assistive technology devices and serv-*
24 *ices. In addition, the Federal Government does not*
25 *provide adequate assistance and information with re-*

1 *spect to the use of assistive technology devices and*
2 *services to individuals with disabilities and their*
3 *family members, guardians, advocates, and author-*
4 *ized representatives, representatives of public agencies*
5 *and private entities that have contact with individ-*
6 *uals with disabilities (including insurers), teachers*
7 *and related services personnel, technology experts (in-*
8 *cluding engineers), employers, and other appropriate*
9 *individuals.”.*

10 *(b) PURPOSES.—Section 2(b) of the Technology-Relat-*
11 *ed Assistance for Individuals With Disabilities Act of 1988*
12 *(29 U.S.C. 2201(b)) is amended to read as follows:*

13 *“(b) PURPOSES.—The purposes of this Act are as fol-*
14 *lows:*

15 *“(1) To provide financial assistance to the States*
16 *to develop and implement a consumer-responsive,*
17 *consumer-driven, comprehensive statewide program of*
18 *technology-related assistance for individuals of all*
19 *ages with disabilities that is designed to create sys-*
20 *temic change and foster advocacy by—*

21 *“(A) increasing the availability of, funding*
22 *for, and access to, assistive technology devices*
23 *and services for individuals with disabilities;*

24 *“(B) increasing the active involvement of*
25 *individuals with disabilities and their family*

1 *members, guardians, advocates, and authorized*
2 *representatives in the planning, development,*
3 *implementation, and evaluation of technology-*
4 *related assistance programs;*

5 *“(C) increasing the involvement of individ-*
6 *uals with disabilities and their family members,*
7 *guardians, advocates, and authorized representa-*
8 *tives in specific agency decisions related to the*
9 *provision of assistive technology devices and*
10 *services to individuals with disabilities;*

11 *“(D) increasing and promoting coordina-*
12 *tion among State agencies and between State*
13 *agencies and private entities that provide tech-*
14 *nology-related assistance, particularly assistive*
15 *technology devices and services;*

16 *“(E) increasing the awareness of laws, regu-*
17 *lations, policies, procedures, and practices that*
18 *facilitate the availability or provision of*
19 *assistive technology devices and services and by*
20 *promoting the change of laws, regulations, poli-*
21 *cies, procedures, and practices that impede the*
22 *availability or provision of assistive technology*
23 *devices and services;*

24 *“(F) increasing the probability that indi-*
25 *viduals of all ages with disabilities will, to the*

1 *extent appropriate, be able to secure and main-*
2 *tain assistive technology devices as such individ-*
3 *uals make the transition between services offered*
4 *by human service agencies or between settings of*
5 *daily living;*

6 *“(G) increasing the competence of personnel*
7 *who provide technology-related assistance, in-*
8 *cluding assistive technology devices and services;*

9 *“(H) increasing awareness and knowledge*
10 *of the efficacy of assistive technology devices and*
11 *services among individuals with disabilities and*
12 *their family members, guardians, advocates, and*
13 *authorized representatives, representatives of*
14 *public agencies and private entities that have*
15 *contact with individuals with disabilities (in-*
16 *cluding insurers), teachers and related services*
17 *personnel, technology experts (including engi-*
18 *neers), employers, and other appropriate indi-*
19 *viduals;*

20 *“(I) increasing the capacity of public agen-*
21 *cies and private entities to provide and pay for*
22 *technology-related assistance on a statewide*
23 *basis, particularly assistive technology devices*
24 *and services, for individuals of all ages with dis-*
25 *abilities; and*

1 “(J) increasing the awareness of the needs
2 of individuals with disabilities for assistive tech-
3 nology devices and services.

4 “(2) To identify Federal policies that facilitate
5 payment for assistive technology devices and services
6 for individuals with disabilities, to identify Federal
7 policies that impede such payment, and to eliminate
8 inappropriate barriers to such payment.

9 “(3) To enhance the ability of the Federal Gov-
10 ernment to provide States with—

11 “(A) technical assistance, information,
12 training, and public awareness programs relat-
13 ing to the provision of assistive technology de-
14 vices and services; and

15 “(B) funding for model demonstration and
16 innovation projects.

17 “(4) To ensure that all programs, projects, and
18 activities receiving assistance under this Act are car-
19 ried out in a manner consistent with the principles
20 of—

21 “(A) respect for individual dignity, per-
22 sonal responsibility, and self-determination in
23 the pursuit of meaningful careers, based on in-
24 formed choice, by individuals with disabilities;

1 “(B) respect for the privacy, rights, and
2 equal access (including the use of accessible for-
3 mats), of such individuals;

4 “(C) inclusion, integration, and full par-
5 ticipation of such individuals;

6 “(D) support for the involvement of family
7 members, guardians, advocates, or authorized
8 representatives if an individual with a disability
9 requests, desires, or needs such support; and

10 “(E) support for individual and systemic
11 advocacy and community involvement.”.

12 **SEC. 3. DEFINITIONS.**

13 Section 3 of the Technology-Related Assistance for In-
14 dividuals With Disabilities Act of 1988 (29 U.S.C. 2202)
15 is amended—

16 (1) by redesignating paragraphs (1), (2), (3),
17 (4), (5), (6), (7), and (8) as paragraphs (2), (3), (7),
18 (9), (11), (12), (14), and (15), respectively;

19 (2) by inserting before paragraph (2) (as redesign-
20 ated by paragraph (1)) the following:

21 “(1) **ADVOCACY SERVICES.**—The term ‘advocacy
22 services’ means assistance to individuals with disabili-
23 ties and their family members, guardians, advocates,
24 and authorized representatives in accessing assistive
25 technology devices and services to which individuals

1 *with disabilities are entitled under law. Such term*
2 *includes—*

3 *“(A) dissemination of information;*

4 *“(B) individual case management;*

5 *“(C) training individuals to locate funding*
6 *sources; and*

7 *“(D) pursuit of legal and other appropriate*
8 *remedies.”;*

9 *(3) in paragraph (3)(E) (as redesignated by*
10 *paragraph (1)), by striking “family” and all that fol-*
11 *lows and inserting “the family members, guardians,*
12 *advocates, or authorized representatives of such an in-*
13 *dividual; and”;*

14 *(4) by inserting after paragraph (3) (as redesign-*
15 *ated by paragraph (1)) the following:*

16 *“(4) COMPREHENSIVE.—The term ‘comprehen-*
17 *sive’, when used with reference to a program, means*
18 *a statewide program that addresses the needs of all*
19 *individuals with disabilities, including*
20 *underrepresented populations and rural populations,*
21 *who can benefit from the use of assistive technology*
22 *devices and services regardless of age, type of disabil-*
23 *ity, gender, race, or ethnicity.*

24 *“(5) CONSUMER-DRIVEN.—The term ‘consumer-*
25 *driven’, when used with reference to a program,*

1 means a statewide program that includes individuals
 2 with disabilities and their family members, guard-
 3 ians, advocates, and authorized representatives, in-
 4 cluding underrepresented populations and rural pop-
 5 ulations, in the development, implementation, and
 6 evaluation of the program.

7 “(6) CONSUMER-RESPONSIVE.—The term
 8 ‘consumer-responsive’, when used with reference to a
 9 program, means a statewide program that provides
 10 information, training, technical assistance, and
 11 transportation and related services to enable individ-
 12 uals of all ages with disabilities to access assistive
 13 technology devices and services.”;

14 (5) in paragraph (7) (as redesignated by para-
 15 graph (1))—

16 (A) by striking the matter preceding sub-
 17 paragraph (A) and inserting the following:

18 “(7) INDIVIDUAL WITH A DISABILITY.—The term
 19 ‘individual with a disability’ means any individ-
 20 ual—”; and

21 (B) in subparagraph (A), by striking “or
 22 handicap”;

23 (6) by inserting after paragraph (7) (as redesi-
 24 gnated by paragraph (1)) the following:

1 “(8) *INDIVIDUALS WITH DISABILITIES.*—*The*
2 *term ‘individuals with disabilities’ means more than*
3 *one individual with a disability.’;*

4 (7) in paragraph (9) (as redesignated by para-
5 graph (1)), by striking “section 435(b)” and inserting
6 “section 481(a)”;

7 (8) by inserting after paragraph (9) (as redesign-
8 ated by paragraph (1)) the following:

9 “(10) *PROTECTION AND ADVOCACY SERVICES.*—
10 *The term ‘protection and advocacy services’ means*
11 *services that—*

12 “(A) are described in part C of the Devel-
13 opmental Disabilities Assistance and Bill of
14 Rights Act (42 U.S.C. 6041 et seq.), the Protec-
15 tion and Advocacy for Mentally Ill Individuals
16 Act (42 U.S.C. 10801 et seq.), or section 509 of
17 the Rehabilitation Act of 1973 (29 U.S.C. 794e);
18 and

19 “(B) assist individuals with disabilities and
20 their family members, guardians, advocates, and
21 authorized representatives with respect to
22 assistive technology devices and services.”;

23 (9) in paragraph (12) (as redesignated by para-
24 graph (1)), by striking “Trust” and all that follows

1 *and inserting “Republic of Palau (until the Compact*
2 *of Free Association with Palau takes effect).”;*

3 *(10) by inserting after paragraph (12) (as redes-*
4 *ignated by paragraph (1)) the following:*

5 *“(13) SYSTEMS CHANGE ACTIVITIES.—The term*
6 *‘systems change activities’ means activities—*

7 *“(A) to identify laws, regulations, policies,*
8 *procedures, and practices that are legal or serv-*
9 *ice delivery barriers impeding access to assistive*
10 *technology devices and services;*

11 *“(B) to develop, modify, revise, correct, or*
12 *adjust State or local laws, regulations, policies,*
13 *procedures, and practices to allow individuals*
14 *with disabilities to access assistive technology de-*
15 *vices and services; and*

16 *“(C) to increase funding for, and access to,*
17 *assistive technology devices and services on a*
18 *permanent basis.”; and*

19 *(11) by amending paragraph (15) (as redesig-*
20 *nated by paragraph (1)) to read as follows:*

21 *“(15) UNDERREPRESENTED POPULATIONS.—The*
22 *term ‘underrepresented populations’ includes popu-*
23 *lations such as minorities, the poor, and the limited*
24 *English proficient.”.*

1 **TITLE I—GRANTS TO STATES**

2 **SEC. 101. PROGRAM AUTHORIZED.**

3 (a) *GRANTS TO STATES.*—Section 101(a) of the Tech-
4 *nology-Related Assistance for Individuals With Disabilities*
5 *Act of 1988 (29 U.S.C. 2211(a)) is amended by striking*
6 *“to develop and implement consumer-responsive” and in-*
7 *serting “in developing and implementing consumer-respon-*
8 *sive, consumer-driven”.*

9 (b) *REQUIRED ACTIVITIES.*—Section 101(b) of the
10 *Technology-Related Assistance for Individuals With Dis-*
11 *abilities Act of 1988 (29 U.S.C. 2211(b)) is amended to read*
12 *as follows:*

13 “(b) *REQUIRED ACTIVITIES.*—Any State that receives
14 a grant under this title shall accomplish the purposes de-
15 scribed in section 2(b)(1) by carrying out the following ac-
16 tivities:

17 “(1) *SYSTEMS CHANGE ACTIVITIES.*—Systems
18 change activities shall include—

19 “(A) developing and implementing strate-
20 gies to obtain funds with which individuals with
21 disabilities may obtain assistive technology de-
22 vices and services in State special education, vo-
23 cational rehabilitation, and medical assistance
24 programs or, as appropriate, other education,
25 health, or human service agencies, with particu-

1 *lar emphasis on addressing the needs of*
2 *underrepresented populations and rural popu-*
3 *lations, coordinating such funds, and monitoring*
4 *State and local policies, procedures, and prac-*
5 *tices that relate to such funds;*

6 *“(B) establishing an interagency coordinat-*
7 *ing committee to enhance public funding options*
8 *and coordinate access to funding for assistive*
9 *technology devices and services for individuals of*
10 *all ages with disabilities, with special attention*
11 *to the issues of transition from school to work,*
12 *home use, and individual involvement in the*
13 *identification, planning, use, delivery, and eval-*
14 *uation of such devices and services; and*

15 *“(C) developing written materials, training,*
16 *and technical assistance to ensure that the needs*
17 *of an individual for assistive technology devices*
18 *and services are considered and included as part*
19 *of an individualized education program required*
20 *under section 614(a)(5) of the Individuals with*
21 *Disabilities Education Act (20 U.S.C.*
22 *1414(a)(5)), an individualized family service*
23 *plan developed pursuant to section 677(d) of*
24 *such Act (20 U.S.C. 1477(d)), an individualized*
25 *written rehabilitation program required under*

1 *section 102(b) of the Rehabilitation Act of 1973*
2 *(29 U.S.C. 722(b)), and other individualized*
3 *plans that may have been developed for the indi-*
4 *vidual.*

5 “(2) *CONSUMER-RESPONSIVE, CONSUMER-DRIVEN*
6 *ACTIVITIES.—(A) Consumer-responsive, consumer-*
7 *driven activities shall include—*

8 “(i) *providing outreach to underrepresented*
9 *populations and rural populations, including—*

10 “(I) *identification and needs assess-*
11 *ment of such populations;*

12 “(II) *activities to increase the acces-*
13 *sibility of services to such populations;*

14 “(III) *training representatives of such*
15 *populations to become service providers; and*

16 “(IV) *training staff of the comprehen-*
17 *sive statewide program of technology-related*
18 *assistance to work with such populations;*
19 *and*

20 “(ii) *establishing consumer advisory coun-*
21 *cils to advise such program, a majority of whose*
22 *members are—*

23 “(I) *individuals with disabilities; and*

1 “(II) the family members, guardians,
2 or authorized representatives of individuals
3 with disabilities.

4 “(B) Consumer-responsive, consumer-driven ac-
5 tivities may include—

6 “(i) increasing consumer participation,
7 choice, and control in the selection and procure-
8 ment of assistive technology;

9 “(ii) outreach to consumer organizations
10 and groups in the State to coordinate with ef-
11 forts of such organizations and groups to imple-
12 ment self-help, peer mentoring, and support
13 group programs to assist individuals with dis-
14 abilities and their family members, guardians,
15 advocates, and authorized representatives in ob-
16 taining funding for, and access to, assistive tech-
17 nology devices and services;

18 “(iii) developing mechanisms for determin-
19 ing consumer satisfaction and participation in
20 the comprehensive statewide program of tech-
21 nology-related assistance for individuals of all
22 ages with disabilities and documenting the re-
23 sults;

24 “(iv) taking actions to develop standards or,
25 where appropriate, apply existing standards to

1 *ensure the availability of qualified personnel;*
2 *and*

3 *“(v) paying for expenses, including travel*
4 *expenses, and services, including services of*
5 *qualified interpreters, readers, and personal care*
6 *assistants, that may be necessary to ensure access*
7 *to the comprehensive statewide program of tech-*
8 *nology-related assistance by individuals with*
9 *disabilities who are determined by the State to*
10 *be in financial need.*

11 *“(3) ADVOCACY SERVICES.—Advocacy services—*

12 *“(A) shall include training individuals with*
13 *disabilities and their family members, guard-*
14 *ians, advocates, and authorized representatives*
15 *to successfully advocate for access to assistive*
16 *technology devices and services, with special em-*
17 *phasis placed on underrepresented populations*
18 *and rural populations; and*

19 *“(B) shall supplement, not supplant, simi-*
20 *lar advocacy services that have been provided*
21 *pursuant to other Federal or State laws.*

22 *“(4) PROTECTION AND ADVOCACY SERVICES.—A*
23 *State shall provide protection and advocacy services*
24 *by awarding a contract to provide such services to an*
25 *organization established for protection and advocacy*

1 *services under the Developmental Disabilities Assist-*
 2 *ance and Bill of Rights Act (42 U.S.C. 6000 et seq.).*
 3 *Any State that provided protection and advocacy*
 4 *services prior to January 1, 1993, through an organi-*
 5 *zation other than that established for protection and*
 6 *advocacy services under such Act may continue to*
 7 *provide such services through such organization. Pro-*
 8 *tection and advocacy services shall supplement, not*
 9 *supplant, similar protection and advocacy services*
 10 *that have been provided pursuant to other Federal or*
 11 *State laws.”.*

12 (c) *AUTHORIZED ACTIVITIES.*—Section 101(c) of the
 13 *Technology-Related Assistance for Individuals With Dis-*
 14 *abilities Act of 1988 (29 U.S.C. 2211(c)) is amended—*

15 (1) *by amending the matter preceding paragraph*
 16 (1) *to read as follows:*

17 “(c) *AUTHORIZED ACTIVITIES.*—Any State that re-
 18 *ceives a grant under this title may accomplish the purposes*
 19 *described in section 2(b)(1) by carrying out the following*
 20 *activities:”;*

21 (2) *in paragraph (1), by striking subparagraph*
 22 (C) *and redesignating subparagraph (D) as subpara-*
 23 *graph (C);*

24 (3) *in paragraph (2), in each of subparagraphs*
 25 (B), (C), and (G)(i), *by striking “assistive tech-*

1 *nology” each place such term appears after “devices*
 2 *and”;*

3 *(4) by redesignating paragraphs (3) through (7)*
 4 *as paragraphs (5) through (9), respectively;*

5 *(5) by redesignating paragraph (8) as para-*
 6 *graph (12);*

7 *(6) by inserting after paragraph (2) the follow-*
 8 *ing:*

9 *“(3) ELECTRONIC COMMUNICATION.—The State*
 10 *may operate or participate in a computer system*
 11 *through which it can electronically communicate with*
 12 *other States to gain technical assistance in a timely*
 13 *fashion to avoid the duplication of efforts already un-*
 14 *dertaken in other States.*

15 *“(4) DEMONSTRATION OF DEVICES.—The State*
 16 *may support the demonstration of assistive technology*
 17 *devices. Activities may include—*

18 *“(A) provision of a location or locations*
 19 *within the State where individuals with disabil-*
 20 *ities and their family members, guardians, advo-*
 21 *cates, and authorized representatives, special*
 22 *education, rehabilitation, health care, and other*
 23 *service providers, representatives of Federal,*
 24 *State, and local government entities, and em-*
 25 *ployers can see, touch, and learn about assistive*

1 *technology devices from personnel who are famil-*
2 *iar with such devices and their applications;*

3 *“(B) counseling and assistance to individ-*
4 *uals with disabilities and their family members,*
5 *guardians, advocates, and authorized representa-*
6 *tives to determine individual needs for assistive*
7 *technology devices and services; and*

8 *“(C) demonstration or short-term loan of*
9 *assistive technology devices to individuals, em-*
10 *ployers, public agencies, or public accommoda-*
11 *tions seeking strategies to comply with the Amer-*
12 *icans with Disabilities Act of 1990 (42 U.S.C.*
13 *12101 et seq.) and section 504 of the Rehabilita-*
14 *tion Act of 1973 (29 U.S.C. 794).”;*

15 *(7) in paragraph (5) (as redesignated by para-*
16 *graph (4)), by striking “assistive technology” after*
17 *“devices or”;*

18 *(8) in paragraph (6) (as redesignated by para-*
19 *graph (4))—*

20 *(A) by amending the matter preceding sub-*
21 *paragraph (A) to read as follows:*

22 *“(6) PUBLIC AWARENESS PROGRAM.—The State*
23 *may support a public awareness program designed to*
24 *provide information relating to the availability and*
25 *efficacy of assistive technology devices and services for*

1 *individuals with disabilities and their family mem-*
2 *bers, guardians, advocates, and authorized representa-*
3 *tives, representatives of public agencies and private*
4 *entities that have contact with individuals with dis-*
5 *abilities (including insurers), teachers and related*
6 *services personnel, technology experts (including engi-*
7 *neers), employers, and other appropriate individuals,*
8 *or may establish and support such a program if no*
9 *such program exists. Such a program may include—*
10 *”;*

11 *(B) in subparagraph (A), in each of clauses*
12 *(i), (ii), and (iii), by striking “assistive tech-*
13 *nology” after “devices and”;*

14 *(C) in subparagraph (B), by striking*
15 *“assistive technology” after “devices and”; and*

16 *(D) in subparagraph (C)(i), by striking*
17 *“families or representatives of individuals with*
18 *disabilities,” and inserting “and their family*
19 *members, guardians, advocates, or authorized*
20 *representatives,”;*

21 *(9) in paragraph (7) (as redesignated by para-*
22 *graph (4)), by striking “devices” and all that follows*
23 *and inserting the following: “devices and services to*
24 *individuals with disabilities and their family mem-*
25 *bers, guardians, advocates, and authorized representa-*

1 *tives, representatives of public agencies and private*
2 *entities that have contact with individuals with dis-*
3 *abilities (including insurers), teachers and related*
4 *services personnel, technology experts (including engi-*
5 *neers), employers, and other appropriate individ-*
6 *uals.”;*

7 *(10) in paragraph (8) (as redesignated by para-*
8 *graph (4))—*

9 *(A) in the matter preceding subparagraph*

10 *(A)—*

11 *(i) in the first sentence, by striking*
12 *“assistive technology” after “devices and”;*

13 *(ii) by inserting after the first sentence*
14 *the following: “Access to the system may be*
15 *provided through community-based entities,*
16 *including public libraries, centers for inde-*
17 *pendent living (as defined in section 702 of*
18 *the Rehabilitation Act of 1973 (29 U.S.C.*
19 *796a)), and community rehabilitation pro-*
20 *grams (as defined in section 7(25) of such*
21 *Act (29 U.S.C. 706(25)).”;* and

22 *(iii) by striking “a system described in*
23 *the preceding sentence,” and inserting “the*
24 *system,”;*

25 *(B) in subparagraph (A)—*

1 (i) by inserting "large print," after
2 "print,"; and

3 (ii) by striking "materials" and all
4 that follows and inserting the following:
5 "materials, computer disks, compact discs
6 (including compact discs formatted with
7 read-only memory), information capable of
8 being used in telephone-based information
9 systems, and such other media as techno-
10 logical innovation may make appropriate;"
11 and

12 (C) by adding at the end the following:

13 "The information system may be organized on an
14 interstate basis or as part of a regional consortium
15 of States in order to facilitate the establishment of
16 compatible, linked information systems."; and

17 (11) by inserting after paragraph (9) (as redes-
18 ignated by paragraph (4)) the following:

19 "(10) PARTNERSHIPS AND COOPERATIVE INITIA-
20 TIVES.—The State may support the establishment or
21 continuation of partnerships and cooperative initia-
22 tives between the public sector and the private sector
23 to promote greater participation by business and in-
24 dustry in—

1 “(A) the development, demonstration, and
2 dissemination of assistive technology devices; and

3 “(B) the ongoing provision of information
4 about new products to assist individuals with
5 disabilities.

6 “(11) **DEVICE AND EQUIPMENT REDISTRIBUTION**
7 **INFORMATION SYSTEMS AND RECYCLING CENTERS.—**

8 *The State may support activities, including the estab-*
9 *lishment of information systems and recycling cen-*
10 *ters, for the redistribution of assistive technology de-*
11 *vices and equipment that may include device and*
12 *equipment loans, rentals, or gifts.”.*

13 **SEC. 102. DEVELOPMENT GRANTS.**

14 (a) **NUMBER OF GRANTS TO BE AWARDED.—***Section*
15 *102 of the Technology-Related Assistance for Individuals*
16 *With Disabilities Act of 1988 (29 U.S.C. 2212) is*
17 *amended—*

18 (1) *by striking subsection (b); and*

19 (2) *by redesignating subsections (c) through (e)*
20 *as subsections (b) through (d), respectively.*

21 (b) **AMOUNTS OF GRANTS.—***Section 102(b) of the Tech-*
22 *nology-Related Assistance for Individuals With Disabilities*
23 *Act of 1988 (29 U.S.C. 2212(c)) (as redesignated by sub-*
24 *section (a)) is amended—*

1 (1) in paragraph (1), by striking “section 106,”
2 and inserting “section 108(a)(1),”;

3 (2) in paragraph (2), by striking “section 106”
4 and inserting “section 108(a)(1)”; and

5 (3) in paragraph (5)—

6 (A) in subparagraph (A), by striking “the
7 Trust Territory of the Pacific Islands.” and in-
8 serting “the Republic of Palau.”; and

9 (B) in subparagraph (B), by striking “the
10 Trust Territory of the Pacific Islands.” and in-
11 serting “the Republic of Palau (until the Com-
12 pact of Free Association with Palau takes ef-
13 fect).”.

14 (c) *APPLICATIONS.*—Section 102(d) of the Technology-
15 *Related Assistance for Individuals With Disabilities Act of*
16 *1988 (29 U.S.C. 2212(e)) (as redesignated by subsection*
17 *(a)) is amended—*

18 (1) by redesignating paragraph (17) as para-
19 graph (25);

20 (2) by redesignating paragraphs (4) through (16)
21 as paragraphs (5) through (17), respectively;

22 (3) by striking paragraphs (1), (2), and (3) and
23 inserting the following:

1 “(1) *DESIGNATION OF LEAD AGENCY.*—*The des-*
2 *ignation by the Governor of the office, agency, entity,*
3 *or individual responsible for—*

4 “(A) *submitting the application on behalf of*
5 *the State;*

6 “(B) *administering and supervising the use*
7 *of amounts made available under the grant;*

8 “(C) *coordinating and supervising—*

9 “(i) *preparation of the application;*

10 “(ii) *planning, development, imple-*
11 *mentation, and evaluation of the consumer-*
12 *responsive, consumer-driven, comprehensive*
13 *statewide program of technology-related as-*
14 *sistance;*

15 “(iii) *coordination among public agen-*
16 *cies and between public agencies and pri-*
17 *vate entities, including the entering into of*
18 *interagency and interstate agreements; and*

19 “(iv) *the active, timely, and meaning-*
20 *ful participation by individuals with dis-*
21 *abilities and their family members, guard-*
22 *ians, advocates, and authorized representa-*
23 *tives, or other appropriate individuals with*
24 *respect to carrying out activities under the*
25 *grant; and*

1 “(D) delegating any responsibilities de-
 2 scribed in this paragraph, in whole or in part,
 3 to one or more appropriate offices, agencies, enti-
 4 ties, or individuals.

5 “(2) ABILITIES OF LEAD AGENCY.—Evidence
 6 that the lead agency described in paragraph (1) has
 7 the ability—

8 “(A) to respond to assistive technology needs
 9 across disability and age;

10 “(B) to promote the availability throughout
 11 the State of assistive technology devices and serv-
 12 ices;

13 “(C) to promote and implement systems
 14 change activities;

15 “(D) to promote and implement public-pri-
 16 vate partnerships;

17 “(E) to exercise leadership in identifying
 18 and responding to the technology needs of indi-
 19 viduals with disabilities and their family mem-
 20 bers, guardians, advocates, and authorized rep-
 21 resentatives;

22 “(F) to promote and document the
 23 consumer-responsive, consumer-driven nature of
 24 the comprehensive statewide program of tech-
 25 nology-related assistance; and

1 “(G) to exercise leadership in implementing
2 effective strategies for capacity building, staff
3 and consumer training, and enhancement of ac-
4 cess to funding for assistive technology devices
5 and services across agencies.

6 “(3) AGENCY INVOLVEMENT.—A description of
7 the nature and extent of involvement of various State
8 agencies in the preparation of the application and the
9 continuing role of each agency in the development
10 and implementation of the consumer-responsive,
11 consumer-driven, comprehensive statewide program of
12 technology-related assistance, including the identifica-
13 tion of the available resources and financial respon-
14 sibility of each agency for paying for assistive tech-
15 nology devices and services.

16 “(4) PUBLIC INVOLVEMENT.—A description of
17 the nature and extent of the involvement in the devel-
18 opment of the application, and the continuing role in
19 the consumer-responsive, consumer-driven, comprehen-
20 sive statewide program of technology-related assist-
21 ance of—

22 “(A) individuals with disabilities;

23 “(B) the family members, guardians, advo-
24 cates, and authorized representatives of such in-
25 dividuals;

1 “(C) other appropriate individuals who are
2 not employed by a State agency; and

3 “(D) organizations, providers, employers,
4 and other interested parties from the private sec-
5 tor.”;

6 (4) in paragraph (5) (as redesignated by para-
7 graph (2)), by striking “underserved groups” and in-
8 serting “underrepresented populations and rural pop-
9 ulations”;

10 (5) in paragraph (7) (as redesignated by para-
11 graph (2)), by striking “consumer-responsive” and in-
12 serting “consumer-responsive, consumer-driven, com-
13 prehensive”;

14 (6) by striking paragraph (8) (as redesignated
15 by paragraph (2)) and inserting the following:

16 “(8) DATA COLLECTION.—A description of—

17 “(A) the data collection system used for
18 compiling information as required by the Sec-
19 retary and, when a national classification sys-
20 tem is developed pursuant to section 201, consist-
21 ent with such classification system; and

22 “(B) procedures that will be used to conduct
23 evaluations.”;

1 (7) in paragraph (9) (as redesignated by para-
2 graph (2)), by striking “devices and assistive tech-
3 nology” and inserting “devices and”;

4 (8) in paragraph (12) (as redesignated by para-
5 graph (2))—

6 (A) in subparagraph (A), by striking “de-
7 vices and assistive technology” and inserting
8 “devices and”; and

9 (B) in subparagraph (B), by striking “de-
10 vices or assistive technology” each place it ap-
11 pears and inserting “devices or”;

12 (9) by amending paragraph (16) (as redesign-
13 ated by paragraph (2)) to read as follows:

14 “(16) *FISCAL CONTROL AND ACCOUNTING PROCE-*
15 *DURES.—An assurance that—*

16 “(A) the State will adopt such fiscal control
17 and accounting procedures as may be necessary
18 to ensure proper disbursement of and accounting
19 for amounts received under the grant; and

20 “(B) the lead agency will have the authority
21 to use funds under this title to comply with the
22 State grant requirements, including the ability
23 to hire qualified staff necessary to carry out
24 project activities.”; and

1 (10) by inserting after paragraph (17) (as reded-
2 ignated by paragraph (2)) the following:

3 “(18) *PROTECTION AND ADVOCACY SERVICES.*—
4 *An assurance that the State will allocate a specific*
5 *amount of funds, from Federal or State sources, for*
6 *protection and advocacy services provided pursuant*
7 *to section 101(b)(4). In reviewing an application by*
8 *the State, the Secretary shall review such specific*
9 *amount to determine if it is reasonable in relation to*
10 *the size of the grant and the needs of individuals with*
11 *disabilities within the State. In making such deter-*
12 *mination, the Secretary shall consider the population*
13 *of the State and the geographic size of the State.*

14 “(19) *TRAINING ACTIVITIES.*—*An assurance that*
15 *the State—*

16 “(A) *will develop and implement strategies*
17 *for including personnel training in assistive*
18 *technology within existing Federal- and State-*
19 *funded training initiatives to enhance assistive*
20 *technology skills and competencies; and*

21 “(B) *will document such training activities.*

22 “(20) *LIMIT ON INDIRECT COSTS.*—*An assurance*
23 *that the percentage of funds used for indirect costs*
24 *shall not exceed 15 percent.*

1 “(21) COORDINATION WITH STATE COUNCILS.—

2 *An assurance that there will be coordination between*
3 *the project funded under this Act and other councils*
4 *within the State, including the State Rehabilitation*
5 *Advisory Council (or Councils) established under sec-*
6 *tion 105 of the Rehabilitation Act of 1973 (29 U.S.C.*
7 *725), the Statewide Independent Living Council es-*
8 *tablished under section 705 of such Act (29 U.S.C.*
9 *796d), the advisory panel established under section*
10 *613(a)(12) of the Individuals with Disabilities Edu-*
11 *cation Act (20 U.S.C. 1413(a)(12)), the State Inter-*
12 *agency Coordinating Council established under sec-*
13 *tion 682 of such Act (20 U.S.C. 1482), the State*
14 *Planning Council described in section 124 of the De-*
15 *velopmental Disabilities Assistance and Bill of Rights*
16 *Act (42 U.S.C. 6024), and the State mental health*
17 *planning council established under section 1916(e) of*
18 *the Public Health Service Act (42 U.S.C. 300x-4(e)).*

19 “(22) COORDINATION WITH OTHER SYSTEMS
20 CHANGE PROJECTS.—*An assurance that there will be*
21 *coordination between the project funded under this*
22 *Act and other related systems change projects funded*
23 *by either Federal or State funds.*

24 “(23) AVAILABILITY OF INFORMATION.—*An as-*
25 *urance that the State will—*

1 “(A) make available to individuals with
2 disabilities and their family members, guard-
3 ians, advocates, and authorized representatives
4 information concerning technology-related assist-
5 ance in a form that will allow such individuals
6 with disabilities to effectively use such informa-
7 tion; and

8 “(B) in preparing such information for dis-
9 semination, consider the media-related needs of
10 individuals with disabilities who have sensory
11 and cognitive limitations and consider the use of
12 auditory materials, including audio cassettes,
13 visual materials, including video cassettes and
14 video discs, and braille materials.

15 “(24) *TIMELINESS OF SERVICE PROVISION.*—An
16 assurance that the State—

17 “(A) will review all State laws, regulations,
18 policies, procedures, and practices that have an
19 impact on—

20 “(i) the decisions related to the need
21 for and the provision of assistive technology
22 devices and services;

23 “(ii) the specific entity within the
24 State that will provide such service or de-
25 vice;

1 “(iii) the procurement policies, proce-
 2 dures, and practices that affect the acquisi-
 3 tion or usage of such service or device; or

4 “(iv) the timelines involved in such
 5 procurement;

6 “(B) will review the information required
 7 under subparagraph (A) to determine areas that
 8 inhibit or delay the acquisition or delivery of a
 9 needed assistive technology service or device, par-
 10 ticularly as such service or device relates to mi-
 11 nors; and

12 “(C) will determine ways in which the
 13 timelines for acquisition and delivery may be de-
 14 creased.”.

15 **SEC. 103. EXTENSION GRANTS.**

16 (a) **GENERAL AUTHORITY.**—Section 103(a) of the
 17 *Technology-Related Assistance for Individuals With Dis-*
 18 *abilities Act of 1988* (29 U.S.C. 2213(a)) is amended to
 19 read as follows:

20 “(a) **GENERAL AUTHORITY.**—The Secretary may
 21 award a 2-year extension grant to any State that—

22 “(1) has been awarded one development grant
 23 under section 102;

24 “(2) has successfully satisfied the requirements
 25 in such section; and

1 “(3) has demonstrated to the Secretary that the
 2 State made significant progress in developing and
 3 implementing a consumer-responsive, consumer-driv-
 4 en, comprehensive statewide program of technology-re-
 5 lated assistance, consistent with sections 2(b)(1), 101,
 6 and 102(d).”.

7 (b) *ASSESSMENT OF PROGRESS*.—Section 103 of the
 8 *Technology-Related Assistance for Individuals With Dis-*
 9 *abilities Act of 1988 (29 U.S.C. 2213)* is amended—

10 (1) by redesignating subsections (b) and (c) as
 11 subsections (c) and (d), respectively; and

12 (2) by inserting after subsection (a) the follow-
 13 ing:

14 “(b) *ASSESSMENT OF PROGRESS*.—The Secretary shall
 15 develop guidelines to be used in assessing the extent to which
 16 the State is making significant progress in developing and
 17 implementing a consumer-responsive, consumer-driven,
 18 comprehensive statewide program of technology-related as-
 19 sistance consistent with section 2(b)(1).”.

20 (c) *AMOUNTS OF GRANTS*.—Section 103(c) of the *Tech-*
 21 *nology-Related Assistance for Individuals With Disabilities*
 22 *Act of 1988 (29 U.S.C. 2213(c))* (as redesignated by sub-
 23 section (b)) is amended—

24 (1) in paragraph (1)(A), by striking “section
 25 106” and inserting “section 108(a)(1)”;

1 (2) in paragraph (1)(B), by striking “section
2 106” and inserting “section 108(a)(1)”;

3 (3) in paragraph (1)(C)—

4 (A) in clause (i), by striking “the Trust
5 Territory of the Pacific Islands.” and inserting
6 “the Republic of Palau.”; and

7 (B) in clause (ii), by striking “the Trust
8 Territory of the Pacific Islands.” and inserting
9 “the Republic of Palau (until the Compact of
10 Free Association with Palau takes effect).”; and

11 (4) in paragraph (2), by adding at the end the
12 following:

13 *“In providing any increases in State grants above the*
14 *amounts provided to States in fiscal year 1993, the*
15 *Secretary shall give priority to the 10 States that*
16 *have the largest populations, as determined by the*
17 *1990 decennial census of the population, and States*
18 *that are sparsely populated, with a wide geographic*
19 *spread, where such characteristics have impeded the*
20 *development of a statewide program.”.*

21 (d) APPLICATION.—Section 103(d) of the Technology-
22 Related Assistance for Individuals With Disabilities Act of
23 1988 (29 U.S.C. 2213(d)) (as redesignated by subsection
24 (b)) is amended—

1 (1) by striking paragraphs (1), (2), and (3) and
2 inserting the following:

3 “(1) *INFORMATION AND ASSURANCES.*—*The in-*
4 *formation and assurances described in section 102(d),*
5 *except the preliminary needs assessment described in*
6 *section 102(d)(5).*

7 “(2) *NEEDS.*—*A description of—*

8 “(A) *needs relating to technology-related as-*
9 *istance for individuals with disabilities (includ-*
10 *ing individuals from underrepresented popu-*
11 *lations and rural populations), their family*
12 *members, guardians, advocates, and authorized*
13 *representatives, and other appropriate individ-*
14 *uals within the State;*

15 “(B) *gaps that remain in the development*
16 *and implementation of a consumer-responsive,*
17 *consumer-driven, comprehensive statewide pro-*
18 *gram of technology-related assistance;*

19 “(C) *strategies that the State will pursue*
20 *during the grant period to remedy such gaps;*
21 *and*

22 “(D) *outreach activities, with special atten-*
23 *tion to underrepresented populations and rural*
24 *populations.*

1 “(3) *ACTIVITIES AND PROGRESS UNDER PRE-*
2 *VIOUS GRANT.—A description of the specific activities*
3 *carried out under the development grant received*
4 *under section 102, the relationship of such activities*
5 *to the development and implementation of a*
6 *consumer-responsive, consumer-driven, comprehensive*
7 *statewide program of technology-related assistance,*
8 *and the progress made toward the development and*
9 *implementation of such a program. Such description*
10 *shall include, at a minimum—*

11 “(A) *a description of State actions that*
12 *were undertaken to produce systems change on a*
13 *permanent basis for individuals of all ages with*
14 *disabilities;*

15 “(B) *a description of training and technical*
16 *assistance efforts to improve individual access to*
17 *assistive technology devices and services; and*

18 “(C) *an evaluation of the impact and re-*
19 *sults of the activities described in subparagraphs*
20 *(A) and (B).”;*

21 (2) *in paragraph (4)—*

22 (A) *in the matter preceding subparagraph*
23 (A), *by striking “families or representatives of*
24 *individuals with disabilities,” and inserting*

1 *“their family members, guardians, advocates,*
 2 *and authorized representatives,”; and*

3 *(B) in subparagraph (C), by striking*
 4 *“consumer-responsive” and inserting “consumer-*
 5 *responsive, consumer-driven, comprehensive”;*

6 *(3) by striking paragraph (6) and redesignating*
 7 *paragraph (7) as paragraph (6);*

8 *(4) in paragraph (6) (as redesignated by para-*
 9 *graph (3)), by inserting “, or any recipient of its*
 10 *funds,” after “State”; and*

11 *(5) by adding at the end the following:*

12 *“(7) CONTINUATION OF PROGRAM.—A descrip-*
 13 *tion of the steps the State has taken or will take to*
 14 *continue on a permanent basis a consumer-respon-*
 15 *sive, consumer-driven, comprehensive statewide pro-*
 16 *gram of technology-related assistance, including an*
 17 *identification of potential funding sources and fund-*
 18 *ing commitments for the program from the public*
 19 *and private sectors and from the agencies and entities*
 20 *who will be involved with and direct future efforts.”.*

21 **SEC. 104. SECOND EXTENSION GRANTS.**

22 *The Technology-Related Assistance for Individuals*
 23 *With Disabilities Act of 1988 (29 U.S.C. 2201 et seq.) is*
 24 *amended—*

1 (1) by redesignating sections 104 and 105 as sec-
2 tions 105 and 106, respectively;

3 (2) by redesignating section 106 as section 108;
4 and

5 (3) by inserting after section 103 the following:

6 **“SEC. 104. SECOND EXTENSION GRANTS.**

7 “(a) *GENERAL AUTHORITY.*—The Secretary may
8 award a 5-year second extension grant to any State that—

9 “(1) has been awarded one extension grant under
10 section 103;

11 “(2) has successfully satisfied the requirements
12 in such section; and

13 “(3) has demonstrated to the Secretary that the
14 State made significant progress in developing and
15 implementing a consumer-responsive, consumer-driv-
16 en, comprehensive statewide program of technology-re-
17 lated assistance, consistent with sections 2(b)(1), 101,
18 and 102(d).

19 “(b) *AMOUNTS OF GRANTS.*—The amounts and the
20 priority of the extension grants under this section shall be
21 the same as the amounts and priority of extension grants
22 under section 103(c), except that—

23 “(1) the amount paid to a State for the fourth
24 year of the grant period shall be 75 percent of the

1 *amount paid to the State for the third year of the*
2 *grant period;*

3 *“(2) the amount paid to a State for the fifth*
4 *year of the grant period shall be 50 percent of the*
5 *amount paid to the State for the third year of the*
6 *grant period; and*

7 *“(3) after the fifth year of the grant period, no*
8 *Federal funds shall be made available to the State*
9 *under this Act.*

10 *In providing any increases in State grants above the*
11 *amounts provided to States in fiscal year 1993, the Sec-*
12 *retary shall give priority to the 10 States that have the larg-*
13 *est populations, as determined by the 1990 decennial census*
14 *of the population, and States that are sparsely populated,*
15 *with a wide geographic spread, where such characteristics*
16 *have impeded the development of a statewide program.*

17 *“(c) APPLICATION.—A State that desires to receive an*
18 *extension grant under this section shall submit an applica-*
19 *tion that contains the information and assurances required*
20 *under section 103(d), except that the descriptions of the ac-*
21 *tivities carried out and the progress made under a develop-*
22 *ment grant that are referred to in such section shall relate,*
23 *in an application under this section, to an extension grant*
24 *under section 103.”.*

1 **SEC. 105. PROGRESS REPORTS.**

2 *Section 105 of the Technology-Related Assistance for*
3 *Individuals With Disabilities Act of 1988 (29 U.S.C. 2214)*
4 *(as redesignated by section 104) is amended—*

5 *(1) by striking subsection (a) and inserting the*
6 *following:*

7 *“(a) IN GENERAL.—Each State that receives a grant*
8 *under this title shall submit to the Secretary annually a*
9 *report that documents significant progress in developing*
10 *and implementing a consumer-responsive, consumer-driven,*
11 *comprehensive statewide program of technology-related as-*
12 *sistance, consistent with sections 2(b)(1), 101, and 102(d).*
13 *The report shall document the following:*

14 *“(1) Successful systems change activities to in-*
15 *crease funding for, and access to, assistive technology*
16 *devices and services, including—*

17 *“(A) an analysis of laws, regulations, poli-*
18 *cies, procedures, and practices that have*
19 *changed, the program has attempted to change,*
20 *or that need to be changed to facilitate the acqui-*
21 *sition of assistive technology;*

22 *“(B) a report on protection and advocacy*
23 *services provided; and*

24 *“(C) other relevant processes or activities.*

25 *“(2) The degree of consumer satisfaction and*
26 *participation, and particularly the satisfaction and*

1 *participation of underrepresented populations and*
2 *rural populations, with the statewide program, based*
3 *upon mechanisms that have been developed pursuant*
4 *to section 101(b)(2)(B)(iii).*

5 *“(3) The degree of involvement of various State*
6 *agencies in the preparation of the application and the*
7 *continuing role of each agency in the development*
8 *and implementation of the statewide program, includ-*
9 *ing the identification of the available resources and*
10 *financial responsibility of each agency for paying for*
11 *assistive technology devices and services.*

12 *“(4) Efforts to train personnel as well as con-*
13 *sumers.*

14 *“(5) Information collection and dissemination*
15 *activities relating to systems change activities identi-*
16 *fied in paragraph (1).*

17 *“(6) Written notices by State and local agencies*
18 *of policies, procedures, and practices that have been*
19 *developed or amended in order to inform individuals*
20 *with disabilities and their family members, guard-*
21 *ians, advocates, and authorized representatives of*
22 *Federal requirements pertaining to assistive tech-*
23 *nology devices and services, particularly under parts*
24 *B and H of the Individuals with Disabilities Edu-*

1 *cation Act (20 U.S.C. 1400 et seq.) and title I of the*
2 *Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.).*

3 *“(7) Efforts to disseminate information on all*
4 *major program initiatives to other States by means*
5 *of electronic communication.*

6 *“(8) Efforts to comply with the assurance pro-*
7 *vided pursuant to section 102(d)(24).*

8 *“(9) Efforts to reduce the service delivery time*
9 *for receiving assistive technology devices and services.*

10 *“(10) Efforts to disseminate information about*
11 *interagency activities that promote coordination of*
12 *assistive technology services, including evidence of in-*
13 *creased participation of State and local special edu-*
14 *cation, vocational rehabilitation, and medical assist-*
15 *ance agencies and departments.”;*

16 *(2) in subsection (b), by striking “section 103”*
17 *and inserting “sections 103 and 104”; and*

18 *(3) by adding at the end the following:*

19 *“(c) REPORTS ON PROTECTION AND ADVOCACY SERV-*
20 *ICES.—An organization that is awarded a contract to pro-*
21 *vide protection and advocacy services pursuant to section*
22 *101(b)(4) shall make significant progress in providing such*
23 *services. One year after the date of the enactment of the*
24 *Technology-Related Assistance for Individuals With Dis-*
25 *abilities Amendments of 1993, and each year thereafter, the*

1 organization shall document such progress for the Secretary
2 in each of the following areas:

3 “(1) Conducting activities that are consumer-re-
4 sponsive and consumer-driven, including activities
5 that will lead to increased access to funding for
6 assistive technology devices and services.

7 “(2) Executing legal, administrative, and other
8 appropriate means of representation to implement
9 systems change.

10 “(3) Developing and implementing strategies de-
11 signed to enhance the long-term abilities of individ-
12 uals with disabilities and their family members,
13 guardians, advocates, and authorized representatives
14 to successfully advocate for assistive technology to
15 which the individuals with disabilities are entitled
16 under law.

17 “(4) Coordination with protection and advocacy
18 services funded through sources other than this Act.

19 “(d) PUBLIC COMMENT.—

20 “(1) HEARING.—An organization that is award-
21 ed a contract to provide protection and advocacy
22 services pursuant to section 101(b)(4) shall, during
23 the period described in paragraph (2), conduct a
24 hearing for public comment from interested persons to
25 ascertain the extent to which the State that awarded

1 *the contract to the organization is making significant*
 2 *progress, under the grant that is effective at the time*
 3 *of the hearing, in developing and implementing a*
 4 *consumer-responsive, consumer-driven, comprehensive*
 5 *statewide program of technology-related assistance.*

6 “(2) *DATE OF HEARING.*—*The hearing required*
 7 *under paragraph (1) shall be conducted within the 6-*
 8 *month period ending on the date of the termination*
 9 *of a grant received under section 103, or within the*
 10 *6-month period ending on the date that is 24 months*
 11 *after the date on which a grant under section 104*
 12 *commenced, whichever is applicable to the State that*
 13 *awarded the contract to the organization.*

14 “(3) *REPORT.*—*An organization referred to in*
 15 *paragraph (1) shall submit to the Secretary a report*
 16 *summarizing the public comments received at a hear-*
 17 *ing conducted under the paragraph within the 6-*
 18 *month period beginning on the date the hearing is*
 19 *concluded.”.*

20 **SEC. 106. ADMINISTRATIVE PROVISIONS.**

21 *Section 106 of the Technology-Related Assistance for*
 22 *Individuals With Disabilities Act of 1988 (29 U.S.C. 2215)*
 23 *(as redesignated by section 104) is amended—*

24 (1) *in clause (ii) of subsection (a)(2)(B), by*
 25 *striking “GS-18 of the General Schedule under section*

1 5332 of title 5,” and inserting “level IV of the Execu-
2 tive Schedule under section 5315 of title 5,”;

3 (2) by redesignating subsection (c) as subsection
4 (g);

5 (3) by inserting after subsection (b) the follow-
6 ing:

7 “(c) *REDESIGNATION OF LEAD AGENCY.*—

8 “(1) *MONITORING PANEL.*—Once a State becomes
9 subject to a corrective action plan pursuant to sub-
10 section (b), the Governor of the State, subject to ap-
11 proval by the Secretary, shall appoint within 30 days
12 a monitoring panel consisting of the following rep-
13 resentatives:

14 “(A) The head of the lead agency designated
15 by the Governor.

16 “(B) 2 representatives from different public
17 or private nonprofit organizations that represent
18 the interests of individuals with disabilities.

19 “(C) 2 consumers who are users of assistive
20 technology devices and services and who are
21 not—

22 “(i) members of the advisory council of
23 the program; or

24 “(ii) employees of the State lead agen-
25 cy.

1 “(D) 2 service providers with knowledge
2 and expertise in assistive technology devices and
3 services.

4 The monitoring panel shall be ethnically diverse and
5 shall choose its own chairperson. The panel shall re-
6 ceive periodic reports from the State regarding
7 progress in implementing the corrective action plan
8 and shall have the authority to request additional in-
9 formation necessary to determine compliance. The
10 meetings of the panel to determine compliance shall
11 be open to the public (subject to confidentiality con-
12 cerns) and held at locations that are accessible to in-
13 dividuals with disabilities. The panel shall remain
14 active for the entire period of the corrective action
15 plan, as determined by the Secretary. The panel shall
16 be funded by a portion of the funds received by the
17 State under this title, as directed by the Secretary.

18 “(2) *FAILURE TO APPOINT MONITORING*
19 *PANEL.*—A failure by a Governor of a State to com-
20 ply with the requirements of paragraph (1) shall re-
21 sult in the complete loss of funding under this title,
22 until redesignation pursuant to the process established
23 in paragraph (4).

24 “(3) *DETERMINATION.*—Based on its findings, a
25 monitoring panel may determine that a lead agency

1 *designated by a Governor has not met the purposes es-*
 2 *tablished in section 2(b)(1) and that there is good*
 3 *cause for redesignation and the temporary loss of*
 4 *funds under this title. In this paragraph, the term*
 5 *‘good cause’ includes—*

6 *“(A) lack of progress with employment of*
 7 *qualified staff;*

8 *“(B) lack of consumer-responsive, consumer-*
 9 *driven activities;*

10 *“(C) lack of resource allocation to systems*
 11 *change activities;*

12 *“(D) lack of progress with meeting the as-*
 13 *surances in section 102(d); or*

14 *“(E) inadequate fiscal management.*

15 *If a monitoring panel makes such a determination, it*
 16 *shall recommend to the Secretary that further reme-*
 17 *dial action be taken or that the Secretary order the*
 18 *Governor to hold an open competition pursuant to*
 19 *paragraph (4). The Secretary, based on the findings*
 20 *and recommendations of the monitoring panel, shall*
 21 *make a final determination with respect to the lead*
 22 *agency designation under this title.*

23 *“(4) NEW STATE COMPETITION.—In the event*
 24 *that a State loses funding under this title pursuant*
 25 *to paragraph (2) or (3), the Governor of the State*

1 *shall hold an open competition within the State and*
2 *issue a request for proposals within 30 days for agen-*
3 *cy redesignation. Such competition shall be open to*
4 *State agencies, public and private nonprofit organiza-*
5 *tions, consortia of such organizations, or institutions*
6 *of higher education. The competition shall ensure*
7 *public involvement, including a public hearing and*
8 *adequate opportunity for public comment. The Sec-*
9 *retary shall have final approval of the agency or or-*
10 *ganization designated after such competition.*

11 “(d) *REDESIGNATION OF PROTECTION AND ADVOCACY*
12 *SERVICES.—If the Secretary determines that significant*
13 *progress has not been achieved by an organization that is*
14 *awarded a contract to provide protection and advocacy*
15 *services for a State pursuant to section 101(b)(4), the Sec-*
16 *retary shall consult with the Governor of such State in a*
17 *timely manner. After such consultation, if it is determined*
18 *that remedial action is not appropriate, the Governor shall*
19 *hold an open competition within the State and issue a re-*
20 *quest for proposals within 30 days for agency redesignation.*
21 *Such competition shall be open to entities with the same*
22 *expertise and ability to provide legal services as an organi-*
23 *zation referred to in section 101(b)(4). The competition*
24 *shall ensure public involvement, including a public hearing*
25 *and adequate opportunity for public comment.*

1 “(e) *ANNUAL REPORT.*—

2 “(1) *IN GENERAL.*—*The Secretary shall publish,*
3 *by December 31 of each year, an annual report to the*
4 *President and to the Congress on the activities funded*
5 *under this Act and other Federal initiatives to im-*
6 *prove the access of individuals with disabilities to*
7 *assistive technology devices and services. The report*
8 *shall address the following:*

9 “(A) *Demonstrated successes at the Federal*
10 *and State levels in improving interagency co-*
11 *ordination, streamlining access to funding, and*
12 *producing beneficial outcomes for users of*
13 *assistive technology.*

14 “(B) *Demonstrated successes in promoting*
15 *funding access in existing public programs and*
16 *establishing new funding options.*

17 “(C) *Activities targeted to reach*
18 *underrepresented populations and rural popu-*
19 *lations.*

20 “(D) *Consumer involvement activities in the*
21 *State programs.*

22 “(E) *Education and training activities to*
23 *promote awareness of available funding in public*
24 *programs.*

1 “(F) *Efforts made to educate and train in-*
2 *dividuals with disabilities and their family*
3 *members, guardians, advocates, and authorized*
4 *representatives, representatives of public agencies*
5 *and private entities that have contact with indi-*
6 *viduals with disabilities (including insurers),*
7 *teachers and related services personnel, tech-*
8 *nology experts (including engineers), employers,*
9 *and other appropriate individuals about tech-*
10 *nology-related assistance.*

11 “(G) *Research activities undertaken to im-*
12 *prove the understanding of the cost-benefit ratio*
13 *resulting from the use of assistive technology for*
14 *individuals of all ages and with varying disabili-*
15 *ties.*

16 “(2) *REPORT ON AVAILABILITY.—As soon as*
17 *practicable, but not later than January 1, 1996, the*
18 *Secretary shall include in the annual report required*
19 *by this section a report on the availability of assistive*
20 *technology devices and services for individuals with*
21 *disabilities based on the national classification system*
22 *developed under section 201.*

23 “(f) *INTERAGENCY DISABILITY COORDINATING COUN-*
24 *CIL.—On or before October 1, 1995, the Interagency Dis-*
25 *ability Coordinating Council established under section 507*

1 of the Rehabilitation Act of 1973 (29 U.S.C. 794d) shall
2 prepare and submit to the President and to the Congress
3 a report of—

4 “(1) the response of the Interagency Disability
5 Coordinating Council to the findings and rec-
6 ommendations of the National Council on Disability
7 (established under section 400 of the Rehabilitation
8 Act of 1973 (29 U.S.C. 780)) that were included in
9 the Study on the Financing of Assistive Technology
10 Devices and Services for Individuals with Disabilities
11 of the National Council on Disability; and

12 “(2) activities of the Interagency Disability Co-
13 ordinating Council that facilitate the accomplishment
14 of section 2(b)(2) with respect to the Federal Govern-
15 ment.

16 The report shall include any comments submitted by the
17 National Council on Disability to the Interagency Disabil-
18 ity Coordinating Council that pertain to paragraph (1) or
19 (2).”; and

20 (4) by amending subsection (g) (as redesignated
21 by paragraph (2)) to read as follows:

22 “(g) EFFECT ON OTHER ASSISTANCE.—This title may
23 not be construed as authorizing a State or a Federal agency
24 to reduce medical or other assistance available or to alter
25 eligibility under any Federal statute.”.

1 **SEC. 107. INFORMATION AND TECHNICAL ASSISTANCE.**

2 *The Technology Related Assistance for Individuals*
 3 *With Disabilities Act of 1988 (29 U.S.C. 2201 et seq.) is*
 4 *amended by inserting after section 106 (as redesignated by*
 5 *section 104) the following:*

6 **“SEC. 107. INFORMATION AND TECHNICAL ASSISTANCE.**

7 “(a) *IN GENERAL.*—*The Secretary shall provide to*
 8 *States and individuals with disabilities and their family*
 9 *members, guardians, advocates, and authorized representa-*
 10 *tives information and technical assistance.*

11 “(b) *INFORMATION AND TECHNICAL ASSISTANCE TO*
 12 *STATES.*—*Information and technical assistance provided to*
 13 *the States under subsection (a) shall include—*

14 “(1) *providing a clearinghouse for activities that*
 15 *have been developed and implemented by projects*
 16 *funded pursuant to this Act;*

17 “(2) *facilitating service delivery capacity build-*
 18 *ing, training of personnel across disciplines, evalua-*
 19 *tion strategies, and research and data collection;*

20 “(3) *providing information and technical assist-*
 21 *ance on effective approaches to information referral,*
 22 *interagency coordination on training and service de-*
 23 *livery, outreach to underrepresented populations and*
 24 *rural populations, and public awareness activities;*

25 “(4) *assisting in planning, developing, imple-*
 26 *menting and evaluating appropriate activities to fur-*

1 *ther extend consumer-responsive, consumer-driven,*
2 *comprehensive statewide programs of technology-relat-*
3 *ed assistance for individuals with disabilities;*

4 *“(5) providing technical assistance and training*
5 *to the projects funded pursuant to this title for activi-*
6 *ties conducted pursuant to section 101(c)(3); and*

7 *“(6) providing any other appropriate informa-*
8 *tion and technical assistance to assist the States in*
9 *accomplishing the purposes of this Act.*

10 *“(c) INFORMATION AND TECHNICAL ASSISTANCE TO*
11 *INDIVIDUALS.—Information and technical assistance pro-*
12 *vided to individuals with disabilities and their family*
13 *members, guardians, advocates, and authorized representa-*
14 *tives under subsection (a) shall include—*

15 *“(1) disseminating information and providing*
16 *technical assistance on Federal, State and local laws,*
17 *regulations, policies, procedures, and practices that*
18 *facilitate funding for and access to assistive tech-*
19 *nology devices and services, to promote independence,*
20 *productivity, and inclusion in the economic, political,*
21 *social, cultural, and educational mainstream of*
22 *American society for individuals of all ages with dis-*
23 *abilities;*

24 *“(2) identifying, collecting, and disseminating*
25 *information, and providing technical assistance on ef-*

1 *fective systems change activities, advocacy services,*
2 *and protection and advocacy services;*

3 *“(3) collecting, analyzing, and disseminating on*
4 *a national basis assistive technology funding decisions*
5 *made as a result of policies, procedures, and prac-*
6 *tices, or through regulations, administrative hearings,*
7 *or legal action that enhance access to funding of*
8 *assistive technology devices and services for individ-*
9 *uals with disabilities;*

10 *“(4) promoting State-Federal coordination*
11 *through information dissemination and technical as-*
12 *sistance activities in response to funding policy im-*
13 *provements identified by the States that enhance*
14 *funding for, or access to, assistive technology devices*
15 *and services for individuals of all ages with disabil-*
16 *ities; and*

17 *“(5) providing any other appropriate informa-*
18 *tion and technical assistance to assist individuals*
19 *with disabilities and their family members, guard-*
20 *ians, advocates, and authorized representatives in ac-*
21 *complishing the purposes of this Act.*

22 *“(d) GRANTS, CONTRACTS, AND AGREEMENTS.—*

23 *“(1) PUBLIC OR PRIVATE AGENCIES.—The Sec-*
24 *retary shall provide the information and technical as-*
25 *stance described in this section through grants, con-*

1 *tracts, or cooperative agreements with public or pri-*
2 *vate agencies and organizations, including institu-*
3 *tions of higher education, with documented experi-*
4 *ence, expertise, and capacity to accomplish identified*
5 *activities.*

6 *“(2) NUMBER.—The Secretary shall provide the*
7 *information and technical assistance described in this*
8 *section through one or two grants, contracts, or coop-*
9 *erative agreements. An agency or organization that is*
10 *a party to such a grant, contract, or agreement may*
11 *contract with other public or private agencies or orga-*
12 *nizations for the purposes of providing the informa-*
13 *tion and technical assistance described in this sec-*
14 *tion.”.*

15 **SEC. 108. FUNDING.**

16 *Section 108 of the Technology-Related Assistance for*
17 *Individuals With Disabilities Act of 1988 (29 U.S.C. 2216)*
18 *(as redesignated by section 104) is amended to read as fol-*
19 *lows:*

20 **“SEC. 108. FUNDING.**

21 **“(a) AUTHORIZATION OF APPROPRIATIONS.—**

22 *“(1) IN GENERAL.—There are authorized to be*
23 *appropriated to carry out this title \$50,000,000 for*
24 *fiscal year 1994, and such sums as may be necessary*
25 *for each of the fiscal years 1995 through 2002.*

1 “(2) *RESERVATION.*—*The Secretary shall reserve*
2 *2 percent of funds appropriated in any fiscal year*
3 *under paragraph (1), or \$1,500,000, whichever is*
4 *greater, for the purpose of providing to States and in-*
5 *dividuals with disabilities and their family members,*
6 *guardians, advocates, and authorized representatives*
7 *information and technical assistance under section*
8 *107.*

9 “(b) *ADMINISTRATION.*—*From funds appropriated for*
10 *salaries and expenses with respect to the Department of*
11 *Education for each fiscal year beginning after October 1,*
12 *1993, the Secretary—*

13 “(1) *shall expend such amounts as may be nec-*
14 *essary to ensure that 4 full-time employees are added*
15 *to the number of employees serving on September 30,*
16 *1993, in the Office of Special Education and Reha-*
17 *bilitative Services of the Department of Education;*
18 *and*

19 “(2) *shall assign such additional employees to*
20 *the National Institute on Disability and Rehabilita-*
21 *tion Research to be engaged in the full-time adminis-*
22 *tration of this Act.”.*

1 **TITLE II—PROGRAMS OF**
 2 **NATIONAL SIGNIFICANCE**

3 **SEC. 201. PROGRAMS AUTHORIZED.**

4 *The Technology-Related Assistance for Individuals*
 5 *With Disabilities Act of 1988 (29 U.S.C. 2201 et seq.) is*
 6 *amended by striking title II and inserting the following:*

7 **“TITLE II—PROGRAMS OF**
 8 **NATIONAL SIGNIFICANCE**

9 **“PART A—NATIONAL CLASSIFICATION SYSTEM**

10 **“SEC. 201. NATIONAL CLASSIFICATION SYSTEM.**

11 **“(a) IN GENERAL.—The Secretary—**

12 **“(1) shall collect the uniform data described in**
 13 *subsection (c) across the publicly funded programs de-*
 14 *scribed in subsection (d) through the use of a single*
 15 *taxonomy and a uniform data collection instrument;*
 16 *and*

17 **“(2) shall develop, in consultation with the In-**
 18 *ternal Revenue Service, procedures for determining*
 19 *whether devices and services are assistive technology*
 20 *devices or services within the meaning of paragraph*
 21 *(2) or (3) of section 3.*

22 **“(b) SINGLE TAXONOMY.—**

23 **“(1) IN GENERAL.—The Secretary, in consulta-**
 24 *tion with the technical assistance contractees de-*
 25 *scribed in section 107(d), the States receiving funds*

1 under title I, organizations that have worked in the
2 information and referral field in the past, and
3 assistive technology reimbursement specialists, shall
4 adopt a single taxonomy for assistive technology de-
5 vices and services.

6 “(2) *DEADLINES.*—(A) *The Secretary may carry*
7 *out this subsection through a contract or grant if the*
8 *contract or grant is made within the 6-month period*
9 *beginning on the date of the enactment of the Tech-*
10 *nology-Related Assistance for Individuals With Dis-*
11 *abilities Amendments of 1993. If the Secretary carries*
12 *out this subsection through contract or grant, the con-*
13 *tract or grant shall be for a period of not more than*
14 *2 years.*

15 “(B) *If the Secretary does not carry out this sub-*
16 *section through contract or grant, the Secretary shall*
17 *adopt the taxonomy described in paragraph (1) with-*
18 *in the 2-year period beginning on the date of the en-*
19 *actment of the Technology-Related Assistance for In-*
20 *dividuals With Disabilities Amendments of 1993.*

21 “(c) *UNIFORM DATA.*—*The uniform data referred to*
22 *in subsection (a) shall include the following:*

23 “(1) *Expenditures for the different types of*
24 *assistive technology devices and services.*

25 “(2) *Type of disability of the individual.*

1 “(3) *Type of functional needs of the individual*
2 *with a disability.*

3 “(4) *Type of device.*

4 “(5) *Type of service.*

5 “(6) *Type of provider.*

6 “(7) *Age of the individual.*

7 “(8) *Gender of the individual.*

8 “(9) *Ethnicity of the individual.*

9 “(10) *Geographic residence of the individual.*

10 “(11) *Funding source.*

11 “(d) *PUBLICLY FUNDED PROGRAMS.—The publicly*
12 *funded programs referred to in subsection (a) shall*
13 *include—*

14 “(1) *titles I, VI, and VII of the Rehabilitation*
15 *Act of 1973 (29 U.S.C. 701 et seq.);*

16 “(2) *parts H and B of the Individuals with Dis-*
17 *abilities Education Act (20 U.S.C. 1400 et seq.);*

18 “(3) *titles V and XIX of the Social Security Act*
19 *(42 U.S.C. 301 et seq.);*

20 “(4) *programs funded under the Older Ameri-*
21 *cans Act of 1965 (42 U.S.C. 3001 et seq.); and*

22 “(5) *programs funded under the Developmental*
23 *Disabilities and Bill of Rights Act (42 U.S.C. 6000*
24 *et seq.).*

1 **"PART B—TRAINING AND DEMONSTRATION**
2 **PROJECTS**

3 **"SEC. 211. TRAINING GRANTS.**

4 **"(a) TECHNOLOGY TRAINING.—**

5 **"(1) GENERAL AUTHORITY.—***The Secretary shall*
6 *enter into contracts or cooperative agreements with*
7 *appropriate public or private agencies and organiza-*
8 *tions, including institutions of higher education, for*
9 *the purposes of—*

10 **"(A) conducting training sessions; and**

11 **"(B) developing, demonstrating, disseminat-**
12 *ing, and evaluating curricula, materials, and*
13 *methods used to train individuals regarding the*
14 *provision of technology-related assistance.*

15 **"(2) ELIGIBLE ACTIVITIES.—***Activities conducted*
16 *under contracts or cooperative agreements entered*
17 *into under paragraph (1) may address the training*
18 *needs of individuals with disabilities and their family*
19 *members, guardians, advocates, and authorized rep-*
20 *resentatives, representatives of public agencies and*
21 *private entities that have contact with individuals*
22 *with disabilities (including insurers), teachers and re-*
23 *lated services personnel, technology experts (including*
24 *engineers), employers, and other appropriate individ-*
25 *uals.*

26 **"(b) TECHNOLOGY CAREERS.—**

1 “(1) *IN GENERAL.*—The Secretary shall make
2 grants to assist institutions of higher education to
3 prepare students and faculty working in specific
4 fields for careers relating to the provision of assistive
5 technology devices and services. The specific fields
6 include—

7 “(A) engineering;

8 “(B) industrial technology;

9 “(C) computer science;

10 “(D) communication disorders;

11 “(E) special education;

12 “(F) rehabilitation; and

13 “(G) social work.

14 “(2) *PRIORITY.*—In awarding grants under
15 paragraph (1), the Secretary shall give priority to the
16 preparation of personnel who will provide technical
17 assistance, administer programs, or prepare personnel
18 necessary to support the development and implemen-
19 tation of consumer-responsive, consumer-driven, com-
20 prehensive statewide programs of technology-related
21 assistance for individuals with disabilities.

22 “(3) *USES OF FUNDS.*—Amounts made available
23 for grants under paragraph (1) may be used by insti-
24 tutions of higher education to assist in covering the
25 cost of courses of training or study for such personnel

1 “(b) *ELIGIBLE ACTIVITIES.*—*Eligible recycling activi-*
2 *ties may include—*

3 “(1) *a system for accepting, on an unconditional*
4 *gift basis, assistive technology devices, including a*
5 *process for valuing the devices and evaluating their*
6 *use and potential;*

7 “(2) *a system for storing and caring for such de-*
8 *vices;*

9 “(3) *an information system (including computer*
10 *databases) by which local educational agencies, reha-*
11 *bilitation entities, local community-based organiza-*
12 *tions, independent living centers and other entities,*
13 *would be informed, on a periodic and timely basis,*
14 *about the availability and nature of the devices cur-*
15 *rently held; and*

16 “(4) *a system for making such devices available*
17 *to consumers and those entities listed in paragraph*
18 *(3), provided that such system include provision for*
19 *tracking each device throughout its useful life.*

20 “(c) *MULTIPLE PROVIDERS.*—*With respect to activi-*
21 *ties funded under this section, an agency, entity, or institu-*
22 *tion may utilize a single authority or may establish a sys-*
23 *tem of service providers. If an agency, entity, or institution*
24 *uses multiple providers, the agency, entity, or institution*
25 *shall assure that—*

1 “(1) all consumers within a State receive equal
2 access to services, regardless of the geographic location
3 or socioeconomic status of the consumers; and

4 “(2) all activities of the providers are coordi-
5 nated and monitored by the agency, entity, or institu-
6 tion.

7 “(d) *OTHER LAWS.*—Nothing in this section shall af-
8 fect the provision of services or devices pursuant to title I
9 of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.)
10 or part B of the Individuals With Disabilities Education
11 Act (20 U.S.C 1411 et seq.).

12 “(e) *EXISTING PROGRAMS.*—Public agencies, private
13 entities, or institutions of higher education that have al-
14 ready established recycling programs may extend and
15 strengthen such programs through grants, contracts, or
16 agreements under this section.

17 **“SEC. 214. BUSINESS OPPORTUNITIES FOR INDIVIDUALS**
18 **WITH DISABILITIES.**

19 “The Secretary may make grants to individuals with
20 disabilities to enable them to establish or operate commer-
21 cial or other enterprises which develop or market assistive
22 technology devices or services.

23 **“SEC. 215. PRODUCTS OF UNIVERSAL DESIGN.**

24 “The Secretary may make grants to commercial or
25 other enterprises and institutions of higher education for

1 *the research and development of products of universal de-*
2 *sign. Preference shall be given to those enterprises which*
3 *are owned or operated by individuals with disabilities.*

4 **"SEC. 216. GOVERNING STANDARDS FOR PART B PROJECTS.**

5 *"Projects operated pursuant to this part shall—*

6 *"(1) be held to the same consumer-responsive,*
7 *consumer-driven standards as the program under title*
8 *I;*

9 *"(2) make available to individuals with disabil-*
10 *ities and their family members, guardians, advocates,*
11 *and authorized representatives information concern-*
12 *ing technology-related assistance in a form that will*
13 *allow such individuals with disabilities to effectively*
14 *use such information;*

15 *"(3) in preparing such information for dissemi-*
16 *nation, consider the media-related needs of individ-*
17 *uals with disabilities who have sensory and cognitive*
18 *limitations and consider the use of auditory mate-*
19 *rials, including audio cassettes, visual materials, in-*
20 *cluding video cassettes and video discs, and braille*
21 *materials; and*

22 *"(4) coordinate their efforts with the consumer-*
23 *responsive, consumer-driven, comprehensive statewide*
24 *program of technology-related assistance for individ-*

1 uals with disabilities in the State or States in which
2 the projects operate.

3 **"PART C—AUTHORIZATION OF APPROPRIATIONS**

4 **"SEC. 221. AUTHORIZATION OF APPROPRIATIONS.**

5 "(a) *IN GENERAL.*—There are authorized to be appro-
6 priated to carry out this title \$10,000,000 for fiscal year
7 1994, and such sums as may be necessary for each of the
8 fiscal years 1995 through 1998.

9 "(b) *RESERVATION.*—Of the amounts appropriated
10 under subsection (a), the Secretary shall reserve \$200,000
11 in each of the fiscal years 1994 and 1995 for the purpose
12 of adopting the taxonomy under section 201."

13 **TITLE III—ALTERNATIVE**
14 **FINANCING MECHANISMS**

15 **SEC. 301. ALTERNATIVE FINANCING MECHANISMS AUTHOR-**
16 **IZED.**

17 *The Technology-Related Assistance for Individuals*
18 *With Disabilities Act of 1988 (29 U.S.C. 2201 et seq.) is*
19 amended by adding at the end the following:

20 **"TITLE III—ALTERNATIVE**
21 **FINANCING MECHANISMS**

22 **"SEC. 301. GENERAL AUTHORITY TO PROVIDE ALTER-**
23 **NATIVE FINANCING MECHANISMS.**

24 "(a) *IN GENERAL.*—The Secretary shall award grants
25 to States to provide a Federal share for the establishment

1 of, or the expansion of, alternative financing mechanisms
 2 to allow individuals with disabilities and their family
 3 members, guardians, and authorized representatives to pur-
 4 chase assistive technology devices and services. Grants
 5 under this section may be used to provide up to one-half
 6 of the costs of providing and administering such alternative
 7 financing mechanisms. The mechanisms may include—

8 “(1) a low-interest loan fund;

9 “(2) a revolving fund;

10 “(3) a loan insurance program;

11 “(4) a partnership with private entities for the
 12 purchase, lease, or other acquisition of assistive tech-
 13 nology devices or the provision of assistive technology
 14 services; and

15 “(5) other alternative financing mechanisms that
 16 meet the requirements of this Act and are approved
 17 by the Secretary.

18 “(b) CONSTRUCTION OF TITLE I.—Nothing in this sec-
 19 tion shall be construed as affecting the authority of a State
 20 to establish alternative financing mechanisms under title
 21 I.

22 **“SEC. 302. APPLICATIONS AND PROCEDURES.**

23 “States that receive or have received grants under sec-
 24 tion 102, 103, or 104 shall be eligible to compete for grants
 25 under this title. The Secretary shall make grants under this

1 *title under such conditions as the Secretary shall, by regula-*
2 *tion, determine, except that—*

3 “(1) a State may receive only one grant under
4 *this title;*

5 “(2) a State that desires to receive a grant under
6 *this title shall submit an application that contains—*

7 “(A) an assurance that the State will pro-
8 *vide an amount not less than the amount paid*
9 *to the State by the Secretary under this title, as*
10 *set forth under section 304, for the purpose of*
11 *supporting the alternative financing mechanisms*
12 *that are covered by the grant;*

13 “(B) an assurance that an alternative fi-
14 *naning mechanism shall continue on a perma-*
15 *nent basis; and*

16 “(C) a description of the degree to which the
17 *alternative financing mechanisms to be funded*
18 *under this title will expand and emphasize*
19 *consumer choice and control;*

20 “(3) a State that receives a grant under this
21 *title—*

22 “(A) shall contract with a community-based
23 *organization (or a consortia of such organiza-*
24 *tions) that has individuals with disabilities in-*
25 *involved at all organizational levels for the admin-*

1 *istration of the alternative financing mecha-*
 2 *nisms that are supported by this title; and*

3 *“(B) shall require that such community-*
 4 *based organization contract, for the purpose of*
 5 *expanding opportunities under this title and fa-*
 6 *cilitating the administration of the alternative*
 7 *financing mechanisms, with—*

8 *“(i) commercial lending institutions or*
 9 *organizations; or*

10 *“(ii) State financing agencies; and*

11 *“(4) a contract between a State that receives a*
 12 *grant under this title and a community-based organi-*
 13 *zation described in paragraph (3)—*

14 *“(A) shall include the administration of*
 15 *both the Federal and non-Federal matching*
 16 *share in a manner consistent with the provisions*
 17 *of this title; and*

18 *“(B) shall include any provision required*
 19 *by the Secretary dealing with oversight and eval-*
 20 *uation as may be necessary to protect the finan-*
 21 *cial interests of the United States.*

22 **“SEC. 303. GRANT ADMINISTRATION REQUIREMENTS.**

23 *“A State that receives a grant under this title, together*
 24 *with any community-based organization that contracts to*
 25 *administer an alternative financing mechanism that is sup-*

1 ported by this title, shall develop and submit to the Sec-
2 retary, pursuant to a timeline that the Secretary may es-
3 tablish or, if the Secretary does not establish a timeline,
4 within the 12-month period beginning on the date that the
5 State receives the grant, the following policies or procedures
6 for administration of the mechanism:

7 “(1) A procedure to review and process in a
8 timely fashion requests for financial assistance for
9 both immediate and potential technology needs, in-
10 cluding consideration of methods to reduce paperwork
11 and duplication of effort, particularly relating to
12 need, eligibility and determination of the specific de-
13 vice or service to be provided.

14 “(2) A policy and procedure to assure that access
15 to the alternative funding mechanism shall be given
16 to consumers regardless of type of disability, age, lo-
17 cation of residence in the State, or type of assistive
18 technology device or service requested and shall be
19 made available to applicants of all income levels.

20 “(3) A procedure to assure consumer-controlled
21 oversight.

22 **“SEC. 304. FINANCIAL REQUIREMENTS.**

23 “A State that desires to receive a grant under this title
24 shall submit an application that contains assurances that

1 *funds supporting an alternative financing mechanism*
2 *under this title shall meet the following requirements:*

3 “(1) *Funds provided by the State to match the*
4 *Federal share for the mechanism—*

5 “(A) *shall be from either State, local, or*
6 *private sources;*

7 “(B) *shall be of an amount at least equal to*
8 *the Federal funds provided under a grant under*
9 *this title; and*

10 “(C) *shall not be taken from, or obtained by*
11 *the reduction of any services in, any program*
12 *providing similar services to individuals with*
13 *disabilities which is in operation on the date of*
14 *the submission of the application.*

15 “(2) *Funds that support an alternative financ-*
16 *ing mechanism under this title—*

17 “(A) *shall be used to supplement and not*
18 *supplant existing public funding options; and*

19 “(B) *may only be distributed as a payer of*
20 *last resort for assistance that is not available in*
21 *a reasonable or timely fashion from any other*
22 *Federal, State, or local source.*

23 “(3) *All funds that support an alternative fi-*
24 *nancing mechanism funded under this title, including*
25 *funds repaid during the life of the mechanism, shall*

1 *be placed in a permanent separate account and iden-*
2 *tified and accounted for separately from any other*
3 *fund. Funds within this account may be invested in*
4 *low-risk securities in which a regulated insurance*
5 *company may invest under the law of the State for*
6 *which the grant is provided and shall be administered*
7 *with the same judgment and care that a person of*
8 *prudence, discretion, and intelligence would exercise*
9 *in the management of the financial affairs of such*
10 *person.*

11 *“(4) The principal and interest from an account*
12 *described in paragraph (3) shall be available to sup-*
13 *port an alternative financing mechanism supported*
14 *under this title. Any interest or investment income*
15 *that accrues on any funds covered under this para-*
16 *graph after such funds have been placed under the*
17 *control of the entity administering the mechanism,*
18 *but before such funds are distributed for purposes of*
19 *supporting the mechanism, shall be the property of*
20 *the entity administering the mechanism and shall not*
21 *be taken into account by any officer or employee of*
22 *the Federal Government for any purpose.*

1 **“SEC. 305. AMOUNT OF GRANTS.**

2 “(a) *IN GENERAL.*—A grant under this title shall be
3 for an amount that is not more than \$500,000 increased
4 by any amount made available under subsection (b).

5 “(b) *EXCESS FUNDS.*—If funds appropriated under
6 section 308 for a fiscal year are in excess of the amount
7 necessary to fund acceptable applications for such year, the
8 Secretary shall make such excess amount available to States
9 receiving grants under this title in such year on a competi-
10 tive basis. A State that desires to receive additional funds
11 under this subsection shall amend and resubmit to the Sec-
12 retary the application submitted under section 302. Such
13 amended application shall contain an assurance that the
14 State will provide an additional amount for the purpose
15 of supporting the alternative financing mechanisms covered
16 by the grant that is not less than any additional amount
17 paid to the State by the Secretary under this subsection.

18 “(c) *INSUFFICIENT FUNDS.*—If funds appropriated
19 under section 308 for a fiscal year are not sufficient to fund
20 each of the acceptable applications for such year, a State
21 whose application was approved as acceptable for such year
22 but that did not receive a grant under this title may update
23 such application for the succeeding fiscal year. Priority
24 shall be given in such succeeding fiscal year to such updated
25 applications, if acceptable.

1 **“SEC. 306. TECHNICAL ASSISTANCE.**

2 “(a) *IN GENERAL.*—*The Secretary shall provide infor-*
3 *mation and technical assistance to States under this title.*
4 *The information and technical assistance shall include—*

5 “(1) *assisting States in the preparation of appli-*
6 *cations for grants under this title;*

7 “(2) *assisting States that receive such grants in*
8 *developing and implementing alternative financing*
9 *mechanisms; and*

10 “(3) *providing any other information and tech-*
11 *nical assistance to assist States in accomplishing the*
12 *purposes of this title.*

13 “(b) *GRANTS, CONTRACTS, AND AGREEMENTS.*—*The*
14 *Secretary shall provide the information and technical as-*
15 *sistance described in subsection (a) through grants, con-*
16 *tracts, or cooperative agreements with public or private*
17 *agencies and organizations, including institutions of higher*
18 *education, with documented experience, expertise, and ca-*
19 *capacity to assist States in the development and implementa-*
20 *tion of the alternative financing mechanisms described in*
21 *section 301.*

22 **“SEC. 307. ANNUAL REPORT.**

23 “*Not later than December 31 of each year, the Sec-*
24 *retary shall submit a report to the Congress stating whether*
25 *each State program to provide alternative financing mecha-*
26 *nisms that was supported by this title during the year is*

1 *making significant progress in achieving the objectives of*
 2 *this title. The report shall include—*

3 “(1) *the number of applications for a grant*
 4 *under this title that were received by the Secretary;*

5 “(2) *the number of grants made and the amounts*
 6 *of such grants;*

7 “(3) *the ratio of the amount of funds provided*
 8 *by each State for a State program to provide alter-*
 9 *native financing mechanisms to the amount of Fed-*
 10 *eral funds provided for such program;*

11 “(4) *the type of program to provide alternative*
 12 *financing mechanisms that was adopted in each State*
 13 *and the community-based organization (or consortia*
 14 *of such organizations) with whom each State has con-*
 15 *tracted; and*

16 “(5) *the amount of assistance given to consumers*
 17 *(who shall be classified by age, type of disability, type*
 18 *of assistive technology device or service received, geo-*
 19 *graphic distribution within the State, gender, and*
 20 *whether they are part of an underrepresented popu-*
 21 *lation or a rural population).*

22 **“SEC. 308. AUTHORIZATION OF APPROPRIATIONS.**

23 “(a) *IN GENERAL.—There are authorized to be appro-*
 24 *priated to carry out this title \$8,000,000 for fiscal year*

1 1994, and such sums as may be necessary for each of the
2 fiscal years 1995 through 2002.

3 “(b) *AVAILABILITY IN SUCCEEDING FISCAL YEAR.*—
4 Amounts appropriated under subsection (a) shall remain
5 available for expenditure in the fiscal year immediately fol-
6 lowing the fiscal year for which such amounts were appro-
7 priated.

8 “(c) *RESERVATION.*—Of the amounts appropriated
9 under subsection (a), the Secretary shall reserve \$250,000
10 for the purpose of providing information and technical as-
11 sistance to States under section 306.”.

12 **TITLE IV—AMENDMENTS TO** 13 **OTHER ACTS**

14 **SEC. 401. INDIVIDUALS WITH DISABILITIES EDUCATION** 15 **ACT.**

16 Section 631(a)(1) of the *Individuals with Disabilities*
17 *Education Act* (20 U.S.C. 1431(a)(1)) is amended—

18 (1) by striking “, and” at the end of subpara-
19 graph (D) and inserting a comma;

20 (2) by striking the period at the end of subpara-
21 graph (E) and inserting “, and”; and

22 (3) by adding at the end the following:

23 “(F) training in the use, applications, and bene-
24 fits of assistive technology devices and services (as de-
25 fined in paragraphs (2) and (3) of section 3 of the

1 *Technology-Related Assistance for Individuals With*
 2 *Disabilities Act of 1988 (29 U.S.C. 2201 et seq.)).”.*

3 **SEC. 402. REHABILITATION ACT OF 1973.**

4 (a) *NATIONAL INSTITUTE ON DISABILITY AND REHA-*
 5 *BILITATION RESEARCH.*—Section 202(b)(8) of the Rehabili-
 6 *tation Act of 1973 (29 U.S.C. 761a(b)(8)) is amended by*
 7 *striking “characteristics of individuals with disabilities”*
 8 *and inserting “characteristics of individuals with disabil-*
 9 *ities, including information on individuals with disabilities*
 10 *who live in rural or inner-city settings, with particular at-*
 11 *tention given to underserved populations,”.*

12 (b) *TRAINING.*—Section 302(b)(1)(B) of the Rehabili-
 13 *tation Act of 1973 (29 U.S.C. 771a(b)(1)(B)), as added by*
 14 *section 302(b) of Public Law 102-569 (106 Stat. 4412), is*
 15 *amended—*

16 (1) *by striking “; and” at the end of clause (ii)*
 17 *and inserting a semicolon;*

18 (2) *by striking the period at the end of clause*
 19 *(iii) and inserting “; and”; and*

20 (3) *by adding at the end the following:*

21 *“(iv) projects to train personnel in the use,*
 22 *applications, and benefits of assistive technology*
 23 *devices and services (as defined in sections 3(2)*
 24 *and 3(3) of the Technology-Related Assistance for*

1 *Individuals With Disabilities Act of 1988 (29*
 2 *U.S.C. 2201 et seq.)).”.*

3 **SEC. 403. TECHNICAL AND CONFORMING AMENDMENTS.**

4 (a) *ASSISTIVE TECHNOLOGY DEVICE.*—Section 7(23)
 5 *of the Rehabilitation Act of 1973 (29 U.S.C. 706(23)), as*
 6 *added by section 102(n) of Public Law 102-569 (106 Stat.*
 7 *4350), is amended by striking “3(1)” and inserting “3(2)”.*
 8 (b) *ASSISTIVE TECHNOLOGY SERVICE.*—Section 7(24)
 9 *of the Rehabilitation Act of 1973 (29 U.S.C. 706(24)), as*
 10 *added by section 102(n) of Public Law 102-569 (106 Stat.*
 11 *4350), is amended by striking “3(2)” and inserting “3(3)”.*

12 **TITLE V—EFFECTIVE DATE**

13 **SEC. 501. EFFECTIVE DATE.**

14 *This Act and the amendments made by this Act shall*
 15 *take effect on October 1, 1993, or on the date of the enact-*
 16 *ment of this Act, whichever occurs later.*

Amend the title so as to read: “A bill to revise and extend the programs of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, and for other purposes.”.

Union Calendar No. 119

103D CONGRESS
1ST SESSION

H. R. 2339

[Report No. 103-208]

A BILL

To amend the Technology-Related Assistance for
Individuals with Disabilities Act of 1988 to au-
thorize appropriations for each of the fiscal years
1994 through 1998.

AUGUST 2, 1993

Reported with an amendment, committed to the Commit-
tee of the Whole House on the State of the Union, and
ordered to be printed